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**UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION**

**UNITED STATES OF AMERICA,**

**Case No.: 3:15-CR-00438-JO**

**Plaintiff,**

**GOVERNMENT'S RESPONSE IN  
OPPOSITION TO DEFENDANT'S  
THIRD MOTION TO CONTINUE  
SENTENCING HEARING DATE**

**v.**

**WINSTON SHROUT,**

**Defendant.**

The United States of America, by and through Billy J. Williams, United States Attorney for the District of Oregon, and Stuart A. Wexler and Lee F. Langston, Trial Attorneys, Tax Division, hereby submits this Response in Opposition to the defendant's Third Motion to Continue Sentencing Hearing Date (Doc. 123) and respectfully asks the Court to deny the defendant's Motion or, in the alternative, to set forth a hearing on the matter.

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## **I. BACKGROUND**

The defendant was convicted at trial in this matter on April 21, 2017, and sentencing was set for August 1, 2017. On June 5, 2017, at the request of counsel, sentencing was rescheduled to September 26, 2017. On August 17, 2017, the Court granted the first unopposed defense motion to further continue sentencing (Doc. 117), resetting the sentencing date to January 9, 2018. On December 4, 2017, the Court granted the second unopposed defense motion to further continue sentencing (Doc. 121), resetting the sentencing date to February 20, 2018. On January 23, 2018, the defendant filed a third motion to continue sentencing which requested that sentencing in this case be continued for an additional 90 days. The defense motion referenced a declaration of counsel filed *ex parte* and contemporaneously with the motion; the government is unaware of the content of this declaration. The defense motion indicated that the government “generally oppose[d] the motion . . . without further details regarding the basis of the motion.” Doc. 123 at 2.

## **II. ARGUMENT**

As stated in the defense motion, the government objects to an additional 90-day continuance of sentencing in this matter. Sentencing is currently scheduled for almost exactly 10 months after the defendant was convicted at trial; continuing the matter for an additional 90 days would result in sentencing occurring over one year after the defendant was convicted. The government is not aware of any proper basis for delaying sentencing in this case for such an extraordinary amount of time.

Further, defense counsel requested and was granted a nearly six-month continuance of sentencing in this case in August, 2017, so that the defendant could address certain physical

ailments. The government is not aware of any extraordinary basis for a further continuance now that could not have otherwise been raised at some point in the preceding six months. The government and defense counsel previously agreed that absent such an extraordinary reason, neither party would request a continuance.

Based on the government's experience with similarly-situated defendants, mental health is sometimes brought forward as an issue for the Court to address in cases involving tax defier and sovereign citizen ideology. If mental health is made an issue in this case, the government would first draw the Court's attention to the defendant's lucid, organized and nuanced defense during trial. The defendant presented argument, cross-examined government witnesses, and testified on his own behalf. Prior to trial, the Court conducted two *Faretta* hearings after which the Court ruled the defendant made a knowing and voluntary waiver of his right to counsel. At no point prior to or during the conduct of trial was the mental health of the defendant at issue. Additionally, during the trial the Court viewed video clips of the defendant rationally speaking at seminars during which he used precise and calculated language to describe, in detail, how his schemes were designed to deceive and how his methods were targeted at enhancing that deception.

The defendant is at the forefront of a loose subculture of individuals that use methods and ideologies based on an amalgamation of history, religion, and economics to commit fraud. To the extent that the defendant's rhetoric and ideology appear unusual or foreign, the defendant has learned this behavior over time and, by his own admission, through tremendous study; it is also behavior that he has taught others. As a result, the government would encourage the Court to

deny any motion to continue based on the mental health capacity of the defendant vis-a-vis tax defier or sovereign citizen ideology or rhetoric.

### **III. CONCLUSION**

Since the instant motion relies on an *ex parte* declaration, the government cannot directly address the basis for the motion nor more acutely frame its objections to the motion. Based on the foregoing, however, the government respectfully requests that the Court deny the defendant's request for an additional continuance of sentencing in this case.

In the alternative, the government requests a hearing before the Court prior to the Court's determination on the motion in order to better understand the basis of the motion and to better frame its objections. The government respectfully asks for 48 hours advance notice of such hearing in consideration of government counsel being located in Washington, D.C.

Dated this 23rd day of January 2018.

Respectfully submitted,

BILLY J. WILLIAMS  
United States Attorney

/s/ Stuart A. Wexler  
STUART A. WEXLER  
LEE F. LANGSTON  
Trial Attorneys, Tax Division  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on January 23, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the attorney(s) of record for the defendant.

*/s/ Stuart A. Wexler*

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Stuart A. Wexler

Trial Attorney, Tax Division